

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:20-CR-167-1M2

UNITED STATES OF AMERICA

v.

LIAM MONTGOMERY COLLINS

MOTION TO CONTINUE
DETENTION HEARING AND
INCORPORATED MEMORANDUM
OF LAW

The Defendant, through undersigned counsel, and with the consent of the Government, hereby moves this Honorable Court to continue for at least seven days the detention hearing currently scheduled for tomorrow, Wednesday, December 2, 2020, at 10:00 a.m., on the ground that the Defendant needs additional time to prepare for the detention hearing. This motion is made pursuant to the Fifth Amendment of the United States Constitution and the Bail Reform Act, 18 U.S.C. § 3142.

The Defendant respectfully submits that good cause exists to extend the detention hearing by seven days because such an extension is needed for the Defendant to prepare for the hearing. Specifically, the Defendant's family live out-of-state, and, due to COVID-19-related and other logistical issues, undersigned counsel needs additional time to make arrangements to have a proposed third party custodian and/or other alternatives to pretrial incarceration to present to the Court at the detention hearing.

Under § 3142(f), the detention hearing shall be either held immediately or within five days of the defendant's initial appearance, "except for good cause" justifying a longer delay. In *United States v. Al-Azzawy*, 768 F.2d 1141, 1146 (9th Cir. 1985), the court noted that good cause can be shown where additional time is "necessary for preparation" of the defendant's response to the government's motion for detention. More generally, due process requires that the defendant

be heard at a meaningful time and in a meaningful manner, and adequate preparation is necessary for a meaningful hearing to occur.

The Defendant respectfully submits that a seven-day continuance is needed for the Defendant to prepare for the detention hearing and that good cause therefore exists to grant this requested continuance.

CONCLUSION

For these reasons, the Defendant respectfully requests that the Court continue the detention hearing in this matter by at least seven days.

Respectfully submitted, this the 1st day of December, 2020.

CESHIRE PARKER SCHNEIDER, PLLC

/s/ Elliot S. Abrams

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Retained Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date shown below, he electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel for the United States, Barbara D. Kocher.

This the 1st day of December, 2020.

/s/ Elliot S. Abrams

Elliot S. Abrams

CHESHIRE PARKER SCHNEIDER, PLLC